

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

NUCOR CORPORATION,)	
)	C.A. No. 3:13-cv-2149-CMC
Plaintiff,)	
)	OPINION AND ORDER
vs.)	ON MOTION FOR DAMAGES
)	AND ENTRY OF JUDGMENT
UNIQCO, LLC,)	
)	
Defendant.)	
_____)	

This matter is before the court on motion for default judgment filed by Plaintiff Nucor Corporation (“Nucor”). Dkt. No. 16. This motion is granted and damages awarded in the amount \$1,075,469.79.

Judgment shall be entered in this amount on Nucor’s first cause of action for breach of contract as set forth in the first amended complaint. Dkt. No. 6. As full recovery is provided under the first cause of action, Nucor shall take nothing on the second, alternative cause of action for quantum meruit, which is dismissed with prejudice.

LIABILITY

Liability has been established by default of Defendant, Uniqco, LLC (“Uniqco”). *See* Dkt. No. 12 (Clerk of Court’s entry of default entered September 19, 2013).

DAMAGES

In light of entry of default, the only issue remaining for resolution is the amount of damages to be awarded. Nucor seeks to resolve this issue through the present motion, which seeks an award of damages and entry of judgment in the amount of \$1,075,469. 79. The motion is supported by Affidavit of the Controller for Nucor Building Systems-South Carolina, a division of Nucor Corporation (“Nucor’s Controller”). Nucor’s Controller avers that Nucor entered four distinct

contracts with Uniqco, each of which required Uniqco to pay for materials, state sales tax, and freight, as well as interest in the event of late or non-payment. Nucor's Controller further avers that, despite Nucor's full performance, Uniqco has made only partial payments on three of the contracts and paid nothing on amounts due under a fourth, leaving a total balance due, including interest, on all four contracts of \$1,075,469.79.

Despite service of the motion for judgment on Uniqco, and passage of the time allowed for responding to a motion, Uniqco has failed to appear or present any opposition to Nucor's motion for judgment.¹ Nucor's averments as to the amounts due are, therefore, unopposed.

Findings and Award of Damages

Based on the written submissions and lacking any opposition, the court makes the following findings of fact and reaches the following conclusions of law.

1. Defendant Uniqco is in default and has, by virtue of its default, admitted all factual allegations in the amended complaint. By failing to respond to the present motion, Defendant has also admitted all factual matters supported by the affidavit filed in support of the motion.
2. By failing to respond to the present motion, Uniqco admits that it owes the following amounts for materials, tax and freight (as well as interest) under the four contracts at issue in this action: (a) Wagner Contract \$18,326.10 (plus \$12,370.12 in interest); (b) Chatham Steel Contract \$38,272.10 (plus \$16,648.36 in interest); (c) Jacksonville MRF Contract

¹ The motion was filed on November 14, 2013, and personally served on November 19, 2013, together with an order from this court. Dkt. Nos. 16, 17. The order informed the parties that the court would resolve the motion applying a summary judgment standard, and that Uniqco would be allowed eighteen days from service to respond (allowing Uniqco the benefit of the additional time allowed for service by mail). Uniqco's response was, therefore, due no later than December 9, 2013.

\$701,277.94 (plus \$252,050.18 in interest); and (d) CWE Jacksonville Contract \$27,462.40 (plus \$9,062.59 in interest).

3. The court, therefore, finds that Nucor is entitled to an award of damages, inclusive of interest through the date of judgment, in the amount of \$1,075,469.79, under the four contracts specified above.

WHEREFORE, the court directs entry of judgment against Defendant Uniqco in the amount of \$1,075,469.79, This amount is awarded under the first cause of action and shall draw interest at the statutory rate. The second cause of action is dismissed with prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
December 16, 2013